IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 458 OF 2005

IN

WRIT PETITION NO.3433 OF 2004

Dr. M.S.lambe, .. Petitioner.

Vs

1. State of Maharashtra and ors. .. Respondents

Dr M.S. Lambe, petitioner-in person present.

Mr G.W.Mattos, AGP for the respondent-State.

Ms A.N.Ghanekar, i/b S.R.Mishra, for R.No.3.

CORAM : V.G.PALSHIKAR & D.B.BHOSALE,JJ.

DATE : 15.9.2005.

PC:

1. Heard learned counsel for the parties.

2. By this motion, the petitioner seeks recalling of the order dated 6.12.2004 passed by a Division Bench of this Court. The reason for so recalling the order is basically his inability to appear on the date fixed and secondly because certain incorrect information was tendered before the Court on the basis of which the

order impugned was wrongly passed.

3. The order is passed on merits after taking into consideration the contentions raised by the petitioner and the replies submitted. The suit filed by the petitioner bearing Suit No.1985 of 2004 is pending in the City Civil Court. His application for interim relief was rejected but the main suit continues to pend where all the reliefs claimed in this petition are asked for, and because of such pendency of the suit and availability of an efficacious alternate remedy to the petitioner, the writ petition was dismissed. No case for recalling of the order or for reviewing of the order is made out. Hence, Notice of Motion is rejected.

(D.B.BHOSALE, J.) **(V.G.PALSHIKAR, J.)**